

RESOLUTION NO. 2021-21

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A
WAIVER OF PLAT FOR PROPERTY LOCATED AT 960
HARBOR DRIVE; PROVIDING FOR CONDITIONS;
PROVIDING FOR RECORDING; AND PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the Pollito Family Trust and Tarpon Holdings, Inc. (Collectively, the “Applicant”) has applied for a waiver of plat (“Waiver of Plat”) for the subdivision of property located at 960 Harbor Drive, which is legally described in Exhibit “A” attached hereto (the “Property”); and

WHEREAS, the Applicant has fulfilled the requirements for a waiver of plat as set forth in Chapter 30 of the Village Code and Section 28-4.1 of the Miami-Dade County Code; and

WHEREAS, the Village Council has held a properly noticed public hearing; and

WHEREAS, the Village Council finds that the proposed Waiver of Plat, with the conditions set forth below, meets the applicable review criteria set forth in Chapter 30 of the Village Code and Sections 28-4 and 28-4.1 of the Miami-Dade County Code; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

Section 1. **Recitals.** That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. **Approval of Waiver of Plat.** That the Waiver of Plat attached hereto as Exhibit “B,” is hereby approved with the conditions set forth in Section 3, below.

Section 3. **Conditions.** The approval granted by this Resolution is subject to compliance with the following conditions:

- a) That the Waiver of Plat approved by this Resolution is not effective until this Resolution is recorded in the Official Records of Miami-Dade County;
- b) That prior to recording this Resolution, the center structure and non-permitted tiki structure and any other resultant nonconformities shall be removed and demolished; and.
- c) That prior to recording this Resolution, the Village Manager or designee shall execute a partial release of the restrictions imposed on the Property pursuant to Section 13 of the Declaration of Restrictions, dated November 13, 1959, under Clerk's file No. 59R-212158 recorded in Official Records of Miami-Dade-County and referenced on the plat recorded at Plat Book 68, Page 81 of the Official Records of Miami-Dade County, on a form approved by the Village Attorney.

Section 4. **Recording.** That this Resolution shall be recorded by the Applicant at its expense in the public records of Miami-Dade County and proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of a building permit.

Section 5. **Effective Date.** That this Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 6th day of April, 2021.

ATTEST:

Joelyn B. Koch
JOCELYN B. KOCH
VILLAGE CLERK

Michael W. Davey
MICHAEL W. DAVEY, MAYOR



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Charles F. Serota
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

EXHIBIT A

Legal Description

Lots 13 and 14 of Block 2, of Cape Florida Subdivision Section One, according to the Plat thereof, recorded in Plat Book 68, Page 81, of the Public Records of Miami-Dade County, Florida.

